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12 Attorneys for Defendants
13 MESSAGE ENVY FRANCHISING, LLC, and
14 MESSAGE ENVY, LLC

15 UNITED STATES DISTRICT COURT'
16 SOUTHERN DISTRICT OF CALIFORNIA

17 GAIL HAHN, individually and on behalf of
18 all other similarly situated California
19 residents,

20 Plaintiff,

v.

21 MESSAGE ENVY FRANCHISING LLC,
a Delaware limited liability company;
22 MESSAGE ENVY, LLC, a Delaware
23 limited liability company,

24 Defendants.

Case No. 12-CV-0153 MMA (BGS)

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

The Hon. Michael M. Anello

Date: March 12, 2012
Time: 2:30 p.m.
Courtroom 5, 3rd Floor

1 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

2
3 PLEASE TAKE NOTICE that on March 12, 2012, at 2:30 p.m., or as soon
4 thereafter as this matter may be heard before the Honorable Michael M. Anello in,
5 Courtroom 5 of the above-entitled Court, located at 940 Front Street, San Diego, California
6 92101, Defendants Massage Envy Franchising, LLC and Massage Envy, LLC
7 (collectively, "Massage Envy") will and hereby do move the Court pursuant to Federal
8 Rule of Civil Procedure 12(b)(6) for an order dismissing the Complaint filed by Plaintiff
9 Gail Hahn. Massage Envy brings this Motion on the grounds that Plaintiff's Complaint
10 fails to state a claim upon which relief may be granted.

11
12 This Motion is based upon this Notice of Motion and Motion, the
13 Memorandum of Points and Authorities, the Request for Judicial Notice in support thereof,
14 and all of the pleadings, records, and papers on file herein, as well as such oral argument as
15 may be presented at the hearing on this Motion.

16
17 Dated: January 25, 2012

18 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

19 By s/ John C. Dineen
20 JOHN C. DINEEN

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